UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,435	12/15/2003	Janet L. Schorr	06576.105133	3420

			EXAMINER
25096	7590	11/10/2005	LIOU, JONATHAN

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ART UNIT	PAPER NUMBER
2663	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/736,435	SCHORR ET AL.
	Examiner	Art Unit
	Jonathan Liou	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08/29/2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office action is in response to applicant's paper filed 8/29/2005. Claims 1-22 as amended are currently pending in the application. Applicant has amended claims 1-3, 5-9, 13-15, and 17-21. Claims 1-22 stand rejected.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1- 9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mackinlay (Developing Calendar Visualizers for the Information Visualizer, Nov.2-4, 1994).

4.   In regards to claim 1, Mackinlay shows a spiral visualization calendar includes all of the limitations recited in the claim. See Figure 3 and page 114 of the Mackinlay reference. He shows that the subregion is generated by selecting the portion of the parent calendar, and the Call-Out class in Mackinlay reference provides the dynamically-linking the subregion of the calendar and the parent calendar. In addition, the parent calendar could be updated initially and by selecting different item on the parent calendar, the different child calendar would appear as automatically updating according to the item selection of the parent calendar (See page 111, Figure 3-4,

Mackinlay.) Furthermore, It is well known the calendar and the timeline serve the same

meaning and functionalities.

5.   In regards to claim 2-4, Figure 3 of the Mackinlay reference shows at least one

data item from the portion of the spiral visualization calendar is added to the subregion

of the calendar. Figure 3 shows that the data item is associated with a first location on

the parent calendar and the first location is associated with a first time, and adding at

least one data item to a location on the subregion of the calendar corresponding to the

first time. Figure 3 also shows a milestone data item and time interval data item on the

spiral visualization calendar.

6.   In regards to claim 5-6, Figure 3 of the Mackinlay reference shows the

interrelationship between the parent calendar and the subregion of the calendar. In

Figure 3, Mackinlay shows that his calendar select an icon onto the certain range of the

interval time from the parent calendar. An icon and the subregion of the calendar show

the interrelationship. Figure 3 also shows the interrelationship is visually connecting

between the subregion of the calendar and the portion of the calendar.

7.   In regards to claim 7, Figure 3 of the Mackinlay reference shows the user

selected the portion of the parent calendar from an icon.

8.   In regards to claim 8, Figure 3 of Mackinlay reference shows that a first end

representing a time corresponding to the top on the subregion of the calendar and a

second end representing a time corresponding to the bottom on the subregion of the

calendar.

9.   In regards to claim 9, page 114 of the Mackinlay reference disclose the function

of Call-Out class, which describes the correlation between subregion of the calendar

and the parent calendar. Page 116 of the Mackinlay reference describes the new

function of editing. The Call-Out class, subclass of Call-Out, and Figure 3 show how the

editing function could perform modifying the portion of the calendar in response to

modifying the subregion of the calendar, wherein the modification to the subregion of

the calendar is the same as the modification to the portion of the parent calendar.

10.   In regards to claim 13, the design of Mackinlay discloses two classes: Highlight

and Call-Out, which having the same functionalities as drawing sheet module and

timeline module. The Call-Out class can select a portion of a parent calendar to create

the subregion in response to an action, and dynamically-link the subregion of the

calendar and the calendar (Note page 114 Mackinlay.) In addition, the parent calendar

could be updated initially and by selecting different item on the parent calendar, the

different child calendar would appear as automatically updating according to the item

selection of the parent calendar (See page 111, Figure 3-4, Mackinlay.)

11.   In regards to claim 14, Mackinlay describes the Call-Out class can add at least

one data item from the portion of the calendar to the subregion of the calendar (Note

page 114 and Figure 3 of Mackinlay.)

12.   In regards to claim 15, Mackinlay describes Call-Out method to draw the shaded

pointers from the calendar to the subregion of the calendar (Note page 114 Mackinlay.)

Figure 3 of the Mackinlay reference clearly shows the interrelationship between the

calendar to the subregion of the calendar to generating this subregion.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

14.   Claim10-12, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mackinlay, and in view of Levinson.

15.   In regards to claim 10, Mackinlay teaches a first calendar is dynamically-linked to

a second calendar. Although Mackinlay teaches the editing function, he does not

specifically teach how to modify the calendar information. However, Levinson teaches

modifying the calendar when the event needs to add or remove, and determine which

portion of the first calendar is affected.   (Note col 4 lines 13-55, col 10 line 40-67, and

col 11 lines 1-28 Levinson.) By using Levinson's modification, the first calendar could

be modified and determined which portion of the calendar is affected. Once the

modification is determined on the portion of the first calendar that related to the second

calendar, the Call-Out class, which mentions in the Mackinlay reference, will modify the

second of the calendar as the first calendar as shown in the Figure 3 of the Mackinlay

reference. Although Mackinlay does not specifically explain how the modification on the

calendar, he discusses the revision of editing functions (page 116 Mackinlay.)   Since

Levinson's method serves the purpose of modifying calendar, this modification would be

one of suitable modifications for Mackinlay's dynamic linking calendar as well. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the modification method of Levinson to Mackinlay's design because Mackinlay describes the revision of editing function (page 116 Mackinlay.)

With respect to claim 11, Levinson shows modifying the first calendar by adding the goal, events or tasks, which can either have only start time, stop time, or the period of time (Note col 6 line 18-50 Levinson.) In other words, he shows the step of modifying the first calendar comprises adding a data item from a group comprising a milestone data item and a time interval data item. Further, Mackinlay's design also consists a milestone data item and a time interval data item (Figure 3 Mackinlay.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mackinlay's system in view of Levinson's modification, which is modifying the calendar comprising the step of adding a data item from a milestone data item or a time interval data item, because Mackinlay teaches the use of milestone and time interval data items (Figure 3.)

With respect to claim 12, Levinson shows that changing the plan on the first calendar prior update or edit the first calendar (page 10, lines 58-67, and page 11, lines 1-9.) Following the same rationale, basis, and motivation as applied to claim rejection 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change a data item on the parent calendar prior to modify the

calendar base on Mackinlay's system in view of Levinson's modifications because this provides flexibility to the user in scheduling the time period on the calendar.

16.   In regards to claim 16, the same basis and rationale for claim rejection as applied to claim 10 and 13.

17.   In regards to claim 17-21, Mackinlay discloses the claimed computer-implemented method except for a computer-readable storage device for storing a set of computer-executable instructions implementing a method for a computer –implemented method. However, Levinson describes the Central Processing Unit (CPU) may execute application programs stored in the memory, and he also suggests that the system for calendaring and planning with the invention may be a software application program and data that could be stored in the memory (Note col 7 line 1-11 Levinson.) Based on Levinson's teaching and suggestion, Mackinlay's calendar could be modified to have a computer-readable storage device storing software application program for Mackinlay's design. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the CPU/memory structure described by Levinson in Mackinlay's system because Mackinlay would require some computer system to provide his calendar system, such as software programming classes (page 112 and 114 Mackinlay.)

18.   In regards to claim 22, the same basis and rationale for claim rejection as applied to claim 10 and 17.

Response to Arguments

19.   Applicant's arguments filed 08/29/2005 have been fully considered but they are

not persuasive.. Applicant has amended claims 1-3, 5-9, 13-15, and 17-21 by adding

the limitation that "when the parent timeline is updated, the child timeline is

automatically updated." Applicant states that the claims 10-22 and 22 are similarly

recite that when a portion of a first timeline corresponding to a dynamically-linked

second timeline is modified, the second timeline is modified. However, applicant

mentioned that Mackinlay neither teaches nor suggests that a parent window can be

updated in any way **except by the user first updating the entry window** (page 10 of

applicant's response.) In other words, Mackinlay teaches the updating the parent

calendar in the initial. In addition Mackinlay teaches after the user clicks with the mouse

to focus on a detail of the closest calendar or any other calendar in the spiral, a yellow

rectangle is drawn to give immediate feedback of the selection (See Page 111 and

Figure 3 and 4.) For example, the user could select the different time/item on the parent

initially (updating the parent), and the immediate change or feedback of child (updating

the child) would automatically occur.

       Moreover, timeline is a schedule of events and procedure (page 1309, Merriam-

Webster's Collegiate Dictionary), such as timetable. Mackinlay teaches the Spiral

Calendar is used for an individual schedule (Page 111, Mackinlay.) Thus, the

Mackinlay's calendar provides the same functionalities as the timeline.

       In view of the above mentioned discussion, Examiner believes that the claims

amended with the feature of "when the parent timeline is ·updated, the child timeline is

automatically updated" is taught by Mackinlay. Thus, Examiner maintains the rejections for claims 1-22.

Conclusion

20.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou   11/03/2005

RICKY NGO
PRIMARY EXAMINER